

REMARKS

This amendment is offered in reply to the office action of September 22, 2005. A petition and fee for a two month time extension are enclosed.

Applicants appreciate allowance of claim 17 and indicated allowability of the subject matter of claims 7-11 on page 5 of the office action.

In response to paragraphs 1-6 of the office action, Applicants hereby affirm their previous election to prosecute the Group I claims. Applicants have cancelled claim 27 and reserve the right prosecute claim 27 at a later date by way of divisional application or other means.

On page 3, claims 1-16, 19, 21-24, and 25 are rejected under 35 USC 102(b) in view of US 6 480 730.

Applicants have amended the pending independent claims 1, 17, 19, 21, and 23 in a manner believed to distinguish over the '730 patent. For example, claim 1 recites a sensor comprising a substrate and a membrane connected to said substrate and having a membrane surface wherein the membrane surface has a coating comprising a reaction agent for interacting with a medium in a manner to deflect the membrane relative to said substrate, a first electrode on the substrate and spaced from the membrane, and a second electrode on or a part of the membrane and from which electrodes a capacitance measurement can be made.

Claims 17, 19, 21, and 23 have been similarly amended

The '730 patent does not disclose the features recited in these claims.

In addition, claims 11 and 23 have been amended to recite the reaction on the membrane surface while the membrane is inflated to a convex shape in a manner that is not disclosed in the '730 patent.

Further, claims 20 and 26 have been amended to recite features not disclosed in the '730 patent.

Reconsideration of the rejection of claims 1-16, 19, 21-24, and 25 is requested.

On page 4 of the office action, claims 18, 20, and 27 are rejected under 35 USC 103(a) as obvious in view of the '730 patent taken with US Patent 6 647 796.

This rejection is believed to be in error since claim 27 has been cancelled.

With respect to claims 18 and 20, the examiner acknowledges that the '730 patent does not disclose or suggest a gas-containing gap that gas pressurizes the sensor when moved toward the substrate.

The examiner cites the '796 patent to cure this deficiency but fails to recognize that the '796 patent merely discloses a gas pressure microsensor wherein gas pressure in the microcavity 24 within the membrane 20 is sensed.

The '796 patent does not disclose or suggest the sensor of claim 18 comprising a) a sensor area according to claim 1 and b) an actuation area in gas flow communication with the sensor area and having an actuation membrane spaced from the substrate by a gas-containing gap and movable in a manner to gas pressurize the sensor area when said actuation membrane is moved toward the substrate. In the '796 patent, fluid pressure in microcavity or microchannel 24 simply is measured.

USSN 10/723,307

Neither the '730 patent nor the '796 patent alone or together suggest a) a sensor area in gas flow communication with b) an actuation area that includes an actuation membrane spaced from a substrate by a gas-containing gap and movable in a manner to gas pressurize the sensor area as set forth in claim 18.

The same is true of claim 20, which has been further amended. The '730 patent employs swellable polymer 70 while the '796 patent merely measures gas or fluid pressure in microcavity or microchannel 24. Neither cited patent discloses or suggests the features of pending claim 20.

Applicants believe the pending claims are in condition for allowance, and action to that end is requested.

Applicants enclose an IDS listing recent U.S. patent publications which the examiner is requested to review and make of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward J. Timmer', with a long horizontal line extending to the right.

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USSN 10/723,307

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.8 as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 22, 2006.

A handwritten signature in cursive script, appearing to read 'E J T', followed by a horizontal line.

Edward J. Timmer